IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.53 OF 1999

The Commissioner of Income Tax
Mumbai City VII, Mumbai .. Petitioner
V/s
M/s.N.Nayankumar & Co. .. Respondent

INCOME TAX APPLICATION NO.57 OF 1999

The Commissioner of Income Tax
Mumbai City VII, Mumbai .. Petitioner
V/s
M/s.N.Nayan kumar & Co. .. Respondent

INCOME TAX APPLICATION NO.58 OF 1999

The Commissioner of Income Tax
Mumbai City VII, Mumbai .. Petitioner
V/s
M/s.N.Nayan kumar & Co. .. Respondent

Mr.A.Kotangale for the Petitioner.
Mr.B.V.Jhaveri for the Respondent.

CORAM : DR.S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 5th March, 2007.

JUDGMENT: (PER DR.S.RADHAKRISHNAN,J.)

1. Heard the learned Counsel for the parties. The Application No.53/1999 pertains to the Assessment Year 1979-80, and the Application Nos.57/1999 & No.58/1999 pertain to the Assessment Year 1981-82. The Application No.53/1999 was admitted on 22.4.1999 and the Application Nos.57/1999 & 58/1999 were admitted on 23.6.1999, on the following substantial question of law :-

> "Whether on the facts and in the circumstances of the case, the ITAT was justified in deleting penalty under Section 271(1)(c) of the I.T.Act, 1961?"

2. Perused the order of the Income Tax Appellate Tribunal dated 21st July, 1998 wherein the Tribunal has observed as under:-

> "..... The Tribunal asked the Departmental Representative to point out to any material on the basis of which it could be inferred that the assessee had inflated labour chargs and indulged in under or over invoicing of sales and purchases etc. No material was found on record to support the observation."

3. The Tribunal has merely given findings of facts. There is no substantial question of law involved in these applications. Hence, the aforesaid Applications stand dismissed.

(J.P.DEVADHAR, J.) **(DR.S.RADHAKRISHNAN,J.)**